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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,865	01/26/2001	Thomas R. Lemmons	UV/001 C2	7787

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ROPES & GRAY LLP  
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NEW YORK, NY 10036-8704

EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2424

MAIL DATE	DELIVERY MODE
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01/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/770,865	<b>Applicant(s)</b> LEMMONS ET AL.	
	<b>Examiner</b> MICHAEL VAN HANDEL	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,4-9,15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-9,15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/03/2008 has been entered.

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 11/03/2008. Claims **2, 4-9, 15, 17-22** are pending. Claims **2, 7-9, 15, 20-22** are amended. Claims **1, 3, 10-14, 16, 23-27** are canceled.

### ***Response to Arguments***

1. Applicant's arguments regarding claims **2** and **15**, filed 11/03/2008, have been fully considered, but they are not persuasive.

Regarding claims **2** and **15**, the applicant argues that Rauch et al. fails to teach that the navigation cell is located within a portion of the program guide defined by the time bar and the channel bar. The applicant specifically argues that the day selector 220, time scroll 224, channel scroll 226, and topics button 254 of Rauch et al. are not located within a portion of the program guide defined by the time bar and the channel bar. The examiner respectfully disagrees. As noted in the Office Action mailed 5/08/2008, one of ordinary skill in the art would recognize a

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grid to be a pattern of vertical and horizontal lines and a cell to be a location within the grid corresponding to particular information or functions. Figure 2 of Rauch et al. illustrates the screen display as a series of rows and columns. Channel scroll bar 226 falls between the third and sixth rows and in the last column of the screen. Time scroll Bar 224 falls within the seventh row and all columns of the screen. The examiner interprets the channel scroll bar 226 and the time scroll bar 224 as “navigation cells,” as currently claimed. As illustrated in Figure 2, the channel scroll bar 226 is displayed to fit the length of the number of displayed channels and is disposed next to the number of listed times (Fig. 2). Similarly, time scroll bar is displayed to fit the length of the number of displayed times and is disposed next to the number of listed channels (Fig. 2). As such, the examiner interprets the positions of the channel scroll bar and the time scroll bar as being “defined by the time bar and the channel bar,” as currently claimed. Therefore, the examiner maintains that Rauch et al. meets the limitation of “a navigation cell located within a portion of the program guide defined by the time bar and the channel bar,” as currently claimed.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims **2, 4-9, 15, 17-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Rauch et al.

Referring to claims **2** and **15**, Rauch et al. discloses a method/system for presenting program information in a program guide, the method/system comprising:

- presenting the program guide to a user, the program guide comprising a time bar divided into a plurality of time cells arranged along a first axis (col. 2, l. 66-67 & Fig. 2), a channel bar divided into a plurality of channel cells arranged along a second axis perpendicular to the first axis (col. 2, l. 64-65 & Fig. 2), and a program grid having a plurality of program information cells for presenting information associated with a first subset of the plurality of channel cells and time cells (col. 5, l. 47-67 & Fig. 2), and a navigation cell (day selector 220, time scroll bar 224, channel scroll bar 226, topics button 254) located within a portion of the program guide defined by the time bar and the channel bar (the examiner notes that time bar and channel bar defines the position of the scroll bars, since scroll bar 200 fits within the space allotted by the channel bar and next to the time bar and scroll bar 210 fits within the space allotted by the time bar and next to the channel bar), the navigation cell being associated with a plurality of programs that are selected to satisfy predefined criteria (the grid varies in content based on the day selected by the day selector 220, time selected by the time scroll bar 224, channel selected by the channel scroll bar 226, and topic selected by the topics button 254)(col. 6, l. 2-9, 58-67; col. 7, l. 1-21; col. 8, l. 17-20; & Fig. 2);
- receiving a user selection of the navigation cell and, in response to receiving the user selection of the navigation cell, presenting in the program information cells program

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information associated with the plurality of programs that are selected to satisfy the predefined criteria (col. 6, l. 58-67; col. 7, l. 1-23; col. 9, l. 63-67; col. 10, l. 1-3; col. 11, l. 53-67; col. 12, l. 1-51; & Figs. 2-4, 7).

Referring to claims **4** and **17**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising repositioning a cursor from a program information cell within the program grid to the navigation cell (col. 4, l. 41-45; col. 6, l. 58-60; col. 7, l. 18-23; & col. 9, l. 62-64).

Referring to claims **5** and **18**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising scrolling the program information cells while keeping the navigation cell substantially fixed in response to user input (col. 6, l. 2-9, 58-67; col. 7, l. 1-23, 65-68; col. 8, l. 3-20; & Fig. 2).

Referring to claims **6** and **19**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising presenting an icon in the navigation cell (directional day selector buttons, directional time and channel scroll bar buttons, and activated and deactivated topics button)(col. 6, l. 60-63; col. 8, l. 16; & Fig. 2).

Referring to claims **7** and **20**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the plurality of programs corresponds to programs that are currently being broadcast (a user scrolls to programs currently being broadcast through the day selector and time scroll bar)(col. 3, l. 16-19; col. 5, l. 52-57; col. 6, l. 58-60; & col. 7, l. 18-21, 38-43).

Referring to claims **8** and **21**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the plurality of programs corresponds to programs that are broadcast on premium channels (the examiner notes that the channel entries are arranged from top to bottom

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according to a frequency with which the channel entries have been designated by the user. The user can scroll to the top of the grid to display the channels of highest value to the user)(col. 6, l. 13-51 & col. 7, l. 18-21).

Referring to claims **9** and **22**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the plurality of programs corresponds to programs that are broadcast during a primetime period (a user can scroll the time scroll bar, so that times 6:00 PM - 7:30 PM are displayed. The examiner interprets a primetime time period as including 7:00 PM as indicated in Applicant's specification (p. 24, lines 26-28 of Applicant's specification))(col. 7, l. 4-9; & Fig. 2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art Unit  
2424

MVH